

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

H&R BLOCK, INC. and HRB
INNOVATIONS, INC.,

Plaintiffs,

v.

BLOCK, INC.,

Defendant.

Case No. 4:21-cv-00913-NKL

**DECLARATION OF DAVID A. JERMANN IN SUPPORT OF
DEFENDANT BLOCK, INC.'S MOTION FOR STAY PENDING APPEAL**

I, David A. Jermann, declare as follows:

1. I am a member of the bar of the State of Missouri and U.S. District Court for the Western District of Missouri, and a partner at Armstrong Teasdale LLP. I am counsel for Defendant Block, Inc. ("Defendant") in this action. I submit this declaration in support of Defendant's Motion for Stay Pending Appeal pursuant to Federal Rule of Civil Procedure 62(d) and Federal Rule of Appellate Procedure 8(a)(1).

2. Attached here to as **Exhibit 1** is a true and correct copy of an Assurance of Discontinuance filed by the New York State Office of the Attorney General on November 25, 2020, in the matter of *Investigation by Letitia James, Attorney General of the State of New York, of Intuit Inc., and Credit Karma, Inc.*, Assurance No. 20-079, which is available on the website of the New York State Office of the Attorney General at https://ag.ny.gov/sites/default/files/2020.11.25_final.nyoag_intuit_executed_1.pdf. Defendant brings this Assurance of


Discontinuance to the Court's attention in light of the Court's issuance of the injunction that is different in scope and nature than the one initially requested by Plaintiffs.

3. Attached here to as **Exhibit 2** is a true and correct copy of an article titled, "TurboTax and H&R Block Used 'Unfair and Abusive Practices,' State Regulator Finds," which was authored by Justine Elliot and published on July 15, 2020 on ProPublica's website at <https://www.propublica.org/article/turbotax-and-h-r-block-used-unfair-and-abusive-practices-state-regulator-finds>.

4. Attached here to as **Exhibit 3** is a true and correct copy of the Proposed Order filed by Plaintiffs H&R Block, Inc. and HRB Innovations, Inc. in this matter on February 25, 2022.

5. Attached here to as **Exhibit 4** a true and correct copy of the Proposed Order filed by Defendant in this matter on February 25, 2022.

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 6, 2022 in Kansas City, Missouri.



David Jermann